

PLANNING COMMISSION MINUTES OF JUNE 12, 2006

2006-0400 – Application for a Design Review on a 9,300 square foot site to allow a new two story residence totaling 4,696 square feet where up to 4,050 square feet may be allowed without Planning Commission review. The property is located at **1446 Navarro Drive** (near Marion Wy) in an R-1 (Low Density Residential) Zoning District. (APN: 313-14-031) JM

Gerri Caruso, Principal Planner, presented the staff report. She said staff is recommending approval of the project with the findings in Attachment A and subject to the Conditions of Approval (COAs) in Attachment B.

Comm. Klein referred to page 4 of the report and asked staff to address tree removal permits for this site and the health of the existing trees. Ms. Caruso said two trees were approved for removal and removed from the front yard and the applicant has paid a fee in-lieu of re-planting a tree. Comm. Klein confirmed with staff that the City arborist has reviewed and approved tree removals on this site.

Comm. Sulser referred to Attachment B, COA 2.D and COA 2.E and asked for clarification about whether staff is requiring an “infiltration trench” or “dry well” design to address stormwater run-off. Ms. Caruso said an infiltration trench is more in line with current stormwater management and the dry well is an older design. She said that COA 2.D is a recommendation rather than a requirement and that COA 2.E could read “If the drywell design is determined to be preferable then the City needs to see the permit or letter of approval from the Santa Clara Valley Water District.”

Chair Hungerford opened the public hearing.

Reena Mehta, representing the owner on behalf of Memarie Associates, Inc., said this is a request to build a new two-story home in an area that is transitioning from small bungalows to large bungalows and said they will be complying with all the recommendations. She said that the design will influence the street and neighborhood and help revitalize the character of the neighborhood.

Comm. Klein asked Ms. Mehta if the tree in the center of property is to be removed. Ms. Mehta said she did not know the status of the tree removal permits, but assured Comm. Klein that the proper processes would be followed and said she could get back to staff with the status of any tree removals that may be needed for the development.

Comm. Simons said that the applicant chose to pay the in-lieu fees rather than replace the three trees that have been removed and asked Ms. Mehta

what the plans are for the landscaping. Ms. Mehta said they will be providing a landscape plan for the site including the installation of the City tree that is required in COA 4.A.

Nelson Moore, a neighbor affiliated with the Raynor Park Neighborhood Association, said that it is his understanding based on a conversation he had with someone in the Planning division, that 15 notices were sent out to advise neighbors of this application. He said he lives nearby and he also spoke with other neighbors across the street and next to the site and none of them received notification. He said his concern is with the windows on the north side of the second story and that he would like to have the windows raised and made smaller to assure privacy on the north side. Mr. Moore referred to page 5 of the report regarding windows on the street side of the house and asked if this was in error. He also referred to screening of the balcony and asked what type of screening staff is requiring. He said his concerns are about privacy in his and his neighbors' backyards.

Chair Hungerford closed the public hearing.

Ms. Caruso, responded to Mr. Moore's question about windows on the street side of the house and said that the staff report is correct. She said that staff worked with the applicant to reduce the size of the front windows from the original design. **Trudi Ryan**, Planning Officer, referred to Attachment C, page 2, of the report and indicated which windows that Mr. Moore was requesting be raised and made smaller. Staff said the second-story windows exceed the setback requirements. Ms. Ryan discussed further the various windows on the plans and commented that only adjacent property owners are noticed when there is a design review application. She said if Mr. Moore is two doors down then he would not normally receive a notice. She said the property owners are mailed the notice so if the adjacent neighbors were not the owners then they would not receive the notice.

Chair Hungerford asked staff to address Mr. Moore's question about the type of balcony screening that staff is requiring. Staff said the applicant has responded to portions of the screening and staff is asking for additional screening on the back. She said the applicant, with staff's approval, would determine the type of screening. Comm. Hungerford asked for examples of screening. Ms. Caruso said examples of screening are awnings, latticework, and raising the walls. Ms. Ryan indicated on the site plans the areas where screening has already been provided and where additional screening is being required.

Comm. Klein asked staff about the windows on the north side, if staff has any concerns with the windows, or if staff feels the setbacks are adequate. Ms. Caruso said staff feels that the window setbacks are adequate, including the size of windows, their placements and the types of rooms they are in.

Chair Hungerford asked about the placement of the bathroom window. Ms. Caruso said that the bathroom window, at 13 feet, is the closest to the property line and that the other windows are further back.

Comm. Klein moved for **Alternative 2** to approve the **Design Review** with **modified conditions**: to add a **COA** requiring the applicant work with staff to frost the bathroom window on the left side of the property to address privacy issues; and to modify **COA 4.A** requiring the installation of “two box size trees.” **Comm. Simons** seconded the motion and offered a friendly amendment requesting that **COA 4.A** be further modified that the tree selection for the non-street trees be large species native trees as appropriate for placement on the site for each of the two trees. The friendly amendment was accepted by the maker of the motion.

Comm. Klein said he was able to make the findings on this application and commented that this is an area in transition. He said though this is a larger home that there are other larger homes in this area. He said the building meets all of the appropriate setbacks and hopefully the neighbors will be happy with the ultimate design.

Comm. Simons commented that he often is concerned when larger homes requiring Planning Commission review are being considered, but added that this house is on a very large lot and that the size of this house is appropriate for this site.

Chair Hungerford offered a friendly amendment to modify **COA 1.E**, clarifying with staff that the purpose of the condition is, “to reduce the view from that side of the balcony.” The friendly amendment was acceptable to the maker and the seconder of the motion.

ACTION: **Comm. Klein** made a motion on 2006-0400 to approve the **Design Review** with **modified conditions**: to add a **Condition of Approval (COA)** requiring the applicant work with staff to frost the bathroom window on the left side of the property to address privacy issues; to modify **COA 4.A** requiring the installation of two box size trees and that the non-street trees be large species native trees as appropriate for placement on the site; to modify **COA 1.E** to include language clarifying that the purpose of the condition is to reduce the view from that side of the balcony. **Comm. Simons** seconded. Motion carried unanimously, 6-0.

APPEAL OPTIONS: This item is appealable to City Council no later than June 27, 2006.